

EXHIBIT A

City of Rochester Resolution No. 2017-5

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celebrating the centennial anniversary of women's suffrage in New York State. Up All Night will provide artists for all opening and headlining acts. They will also be responsible for providing the stage, lights, and sound; a production manager and hospitality for the artists; internal event security; and vendors. The agreement will contain a revenue sharing component, providing Up All Night with exclusive rights to food and beverage vending in exchange for set rates of food and beverage by the volume sold. The City will retain all ticket revenue.

A request for proposals process was not completed due to the limited amount of time before the event. The City needs a producer to search for and book a national recording artist as soon as possible, and Up All Night was selected because of the time constraint and the existing relationship with the promoter for Party in the Park and Bands on the Bricks. If a woman-centered music festival becomes an ongoing event, a request for proposals will be issued for the selection of a promoter.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AQ-28

Ordinance No. 2017-55
(Int. No. 54)

Authorizing an agreement with Eskay Concerts, Inc. for event production

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into a professional services agreement in the maximum amount of \$150,000 with Eskay Concerts, Inc. (d/b/a Up All Night) to book artists and produce a July 2017 concert. The agreement shall have a term of one year.

Section 2. The cost of the agreement shall be funded by appropriating \$150,000 from the Rochester Events Network Trust Fund. Ordinance No. 2016-180, the 2016-17 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the 2016-17 Budget of the Bureau of Communications by said amount.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

By President Scott
February 21, 2017

To the Council:

The Committee Of The Whole recommends for adoption the following entitled legislation:

Int. No. 59 - Resolution affirming that Rochester is a Sanctuary City committed to equal rights for all

Respectfully submitted,
Molly Clifford
Carolee A. Conklin
Matt Haag
Jacklyn Ortiz
Michael A. Patterson
Elaine M. Spaul
Dana K. Miller
Loretta C. Scott
COMMITTEE OF THE WHOLE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2017-5
Re: Resolution Affirming that Rochester
is a Sanctuary City

Council Priorities: Creating and Sustaining a Culture of Vibrancy; Public Safety

Transmitted herewith for your approval is a resolution reaffirming that Rochester is one community that is united and strengthened by our diversity and committed to upholding and protecting the civil and human rights of all individuals that come within its borders, including immigrants and refugees and, therefore, is a Sanctuary City.

On January 19, 2017, the New York State Attorney General, in anticipation of potential changes in federal immigration enforcement practices and priorities, provided local governments and law enforcement agencies with guidance for improving public safety by protecting vulnerable immigrant communities. A policy that assures immigrants and refugees that they can contact the police and other City agencies without fear of adverse immigration consequences will enhance public safety and neighborhood conditions for all citizens.

Officials across the state, including the Mayors of Albany, Kingston, White Plains, and Syracuse, have declared their appreciation for the Attorney General's guidance and support and affirmed their continued commitment to welcoming and protecting the rights of immigrant communities in their cities.

As the Council is aware, Rochester, the home of Frederick Douglass and Susan B. Anthony, has a long tradition of support for equal rights for all, including immigrants and refugees. In 1986, this Council passed a resolution declaring Rochester as a "City of Sanctuaries" (Resolution No. 86-29)

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which stated in part that “[t]he City of Rochester wishes to continue supporting its citizens in their efforts to maintain and further human rights for its citizens and for all who come within its borders.” As this Council in the 1986 resolution resolved, and the United States Supreme Court has since confirmed, immigration and refugee policy is a matter of federal jurisdiction. Thus, federal agencies, not local governments, are responsible for implementation and enforcement of such policies.

Furthermore, Chapter 63 of the Rochester City Code requires the City to provide equal access to public services and prohibits discrimination in City services on the basis of age, race, creed, color, national origin, gender identity or expression, sexual orientation, disability or marital status, and existing Rochester Police Department General Orders prohibit bias-based profiling in traffic contacts, field contacts, investigations, or asset seizure and forfeiture efforts. Bias-based profiling is defined to be “[t]he targeting or stopping of an individual based solely on a common trait of the individual, including but not limited to: age, race, creed, color, religion, national origin, gender, sexual orientation, disability, marital status, limited English proficiency, or economic status.”

The 1986 resolution recognized that the Rochester Sanctuary Committee had developed a local effort to involve local religious communities in considering offering sanctuary to refugees and that those local communities within Rochester providing shelter to those who were fleeing general conditions of persecution in their homelands had led Rochester to become a “City of Sanctuaries.” Thus, the City’s long-standing history, policies and the practices of its local religious communities are consistent with sanctuary policies and the 1986 resolution should be updated to reflect current language usage by officially declaring that Rochester is a Sanctuary City.

This proposed resolution also states that City resources will not be used to create a registry based on a person’s national origin, race, religion, or otherwise, and consistent with the 1986 resolution, that City personnel shall not inquire or request proof of immigration status or citizenship when providing services or benefits, unless specifically required to do so by law.

On January 25, 2017, President Trump issued an Executive Order that directs the Attorney General to review the actions of cities that adopt sanctuary policies to determine whether those policies violate federal law and whether federal funds should therefore be withheld. The federal law most relevant is 8 USC § 1373 (a) which says that a local government: “...may not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual.” The law also prohibits local policies that restrict the exchange of information regarding immigration status or maintaining such information.

This resolution does not conflict with that federal

law. It does not prohibit City employees from communications with federal immigration agencies regarding citizenship or immigration status. However, the law does not require local governments to collect such information or to engage in immigration enforcement. Therefore, this resolution contains language that states that the proposed policies to be adopted by the City are subject to federal, state and local laws and the Constitutions of the United States and the State of New York. This language avoids any conflict between the City’s policies and applicable law, while preserving the City’s right to control the use of its funds and personnel, and to protect our residents’ constitutional rights of equal protection and due process.

Respectfully submitted,
Lovely A. Warren
Mayor

Loretta C. Scott
Council President

Dana K. Miller
Council Vice President

Adam C. McFadden
Councilmember

Carolee A Conklin
Councilmember

Elaine M. Spaul
Councilmember

Matt Haag
Councilmember

Jacklyn Ortiz
Councilmember

Michael A. Patterson
Councilmember

Molly Clifford
Councilmember

Attachment No. AQ-29

Resolution No. 2017-5
(Int. No. 59, as amended)

Resolution affirming that Rochester is a Sanctuary City committed to equal rights for all

WHEREAS, The City of Rochester, the home of Frederick Douglass and Susan B. Anthony, has a long tradition of support for equal rights for all people, including immigrants and refugees, as exemplified by City Council Resolution No. 86-29 recognizing Rochester as a City of Sanctuaries;

WHEREAS, Chapter 63 of the City Code requires that the City provide equal access to public services and prohibits discrimination in City services on the basis of age, race, creed, color, national origin, gender identity or expression, sexual orientation, disability or marital status;

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WHEREAS, federal immigration enforcement is the responsibility of federal enforcement agencies, not local government agencies;

WHEREAS, federal law does not require local law enforcement or other local service providers to inquire into an individual's immigration status;

WHEREAS, in response to changes in federal immigration enforcement practices and priorities, Cities across the United States have reaffirmed their support for the principle of sanctuary for persons fleeing persecution and on January 19, 2017, the New York State Attorney General provided local governments and law enforcement agencies with guidance for improving public safety by protecting vulnerable immigrant communities; and

WHEREAS, the City of Rochester wishes to join these cities and to reaffirm its continued support to its residents in their efforts to maintain and further human rights for all who come within its borders, including immigrants and refugees; and WHEREAS, a policy that assures immigrants and refugees that they can contact the police and other City agencies without fear of adverse immigration consequences will enhance public safety for all citizens; and

WHEREAS, the Council finds that it is in the public interest for Rochester to adopt "Sanctuary City" policies.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Rochester as follows:

1. That the Mayor and City Council reaffirm the City of Rochester's commitment that it is one community; that is welcoming and inclusive of all, is united and strengthened by our diversity and committed to upholding and protecting the civil and human rights of all individuals that come within its borders, including immigrants and refugees;
2. The City Council hereby requests that the Mayor and the City administration implement policies that further the City's role as a Sanctuary City to ensure compliance with the objectives herein, subject to Federal, state and local laws and the Constitutions of the United States of America and the State of New York;
3. The Police Department shall not engage in certain activities solely for the purpose of enforcing federal immigration laws, including not inquiring about the immigration status of an individual, including a crime victim, a witness, or a person who calls or approaches the police seeking assistance, unless necessary to investigate criminal activity ~~by that individual~~, and shall not stop, question, interrogate, investigate, or arrest an individual based solely on actual or suspected immigration or citizenship status;
4. That City personnel shall not inquire about or

request proof of immigration status or citizenship when providing services or benefits, except where the receipt of such services or benefits are contingent upon one's immigration or citizenship status or where inquiries are otherwise lawfully required by federal, state, or local laws, or where such information is needed for a criminal investigation;

5. That the City shall not use its funds or personnel to enforce or to assist in the enforcement of Federal immigration policies or participate in any program requiring registration of individuals on the basis of religion, race, gender, gender identity or expression, sexual orientation, ethnicity, or national origin, except to the extent specifically required by law and subject to the principles embodied in the Constitutions of the United States and the State of New York.

6. This resolution shall take effect thirty days after the date it is adopted.

Strikeout indicates deleted text, new text is underlined

Adopted unanimously.

The meeting was adjourned at 8:00 p.m.

HAZEL L. WASHINGTON
City Clerk